

THE NEW YORK STATE PUBLIC SAFETY AGENCIES

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(New York Metropolitan Area Spectrum Relief)

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November 10, 1992

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Ms. Donna Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

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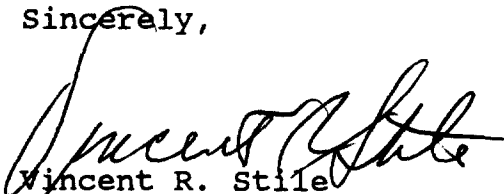
Enclosed please find an original and eleven (11) copies of comments in the Matter of MM Docket No. 87-268 prepared by The New York Public Safety Agencies. Please distribute the comments for record, to the appropriate FCC staff, and to the FCC Commissioners.

Suffolk County:  
Town of Islip

PROJECT DIRECTOR

Vincent R. Stile  
Suffolk County Police Dept.  
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Sincerely,

  
Vincent R. Stile  
Project Director  
NYPSA

Enclosure

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NOV 13 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

IN THE MATTER OF )  
 )  
ADVANCED TELEVISION SYSTEMS )  
AND THEIR IMPACT UPON THE )  
EXISTING TELEVISION BROADCAST )  
SERVICE )

MM DOCKET NO. 87-268

FCC MAIL BRANCH

NOV 12 1992

To: The Commission

COMMENTS  
OF THE  
THE NEW YORK PUBLIC SAFETY AGENCIES (NYSPA)

THE NEW YORK PUBLIC SAFETY AGENCIES

Vincent R. Stile  
Project Director  
NYPSA

Dated: November 10, 1992

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## **SUMMARY**

For years the New York metropolitan area has endured a spectrum shortage. This shortage is especially severe in the Public Safety Radio Services. Previously local public safety agencies have urged the Commission to provide relief by continuing the sharing of UHF TV channels.

The New York Public Safety Agencies (NYPSA) supports the adoption of rules for ATV in the UHF TV band. This new technology, in addition to enhancing consumer television reception, will contribute an economic benefit to the country. Furthermore, it will eventually free vast amounts of radio spectrum for other than television services.

There is concern that any final assignment table may include an ATV channel adjacent to an existing land mobile channel. Based on past experience this can cause destructive interference between the land mobile user and the new TV user. Any procedure that is used to determine the final table should preclude this type of adjacent assignment.

NYPSA recommends that the Commission also incorporate a method in developing the final table whereby any existing vacant UHF channel not be given an additional ATV channel.

The proposed spacings between ATV station to ATV station and ATV station to land mobile station may be satisfactory. Until the characteristics of the final ATV signal are known a more definitive opinion cannot be made. However, in certain cases short spacing was suggested. This will prove detrimental both to the land mobile and TV user. Again, steps must be taken in the procedure for creating the final table to prevent harmful short spacing.

In order to provide the spectrum relief needed in the country's major urban areas it is imperative that the further UHF/TV sharing proceeding (Docket No. 85-172) be reactivated. In 1987 the docket was tabled pending the ruling on ATV. In the intervening years the need for spectrum relief for public safety radio services has become even more acute. As time passes these agencies effectiveness to do their job of protecting 'life and property' is increasingly more difficult.

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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IN THE MATTER OF )

ADVANCED TELEVISION SYSTEMS )  
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EXISTING TELEVISION BROADCAST )  
SERVICE )

MM DOCKET NO. 87-268

FCC MAIL BRANCH

NOV 12 1992

COMMENTS  
OF THE  
NEW YORK PUBLIC SAFETY AGENCIES

Introduction

1. The New York Public Safety Agencies (NYPSA) hereby submit their comments on the above referenced docket's (87-268) 2nd FNPRM. These agencies are land mobile operators of TV shared channels (channels 14 and 15), and frequency starved agencies. It is incumbent upon us to express our serious concerns about the proposed rule making.

2. NYPSA wishes to go on record fully supporting the comments filed in this matter by the Associated Public-Safety Communications Officers, Inc. (APCO).

3. Pursuant to the comments herein, the New York Public Safety Agencies<sup>1</sup> consist of twelve New York Metropolitan area local government, police, fire, emergency

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<sup>1</sup> The New York Public Safety Agencies are the New York City Police Department, New York City Fire Department, New York City Emergency Medical Service, New York City Department of Corrections, New York City Transit Police Department, New York City Department of Transportation, New York City Health and Hospitals Corporation Police, New York City Department of Parks and Recreation, Nassau County Police department, Elmont Fire District (Nassau County), the Town of Islip (Suffolk County), and the Bergen County Police in New Jersey.

rescue and highway service agencies, extending from Suffolk County, New York, on Long Island, to Bergen County in New Jersey. These same public safety agencies have also submitted a recent request for waiver of Parts 2 and 90 of the Federal Communications Commission's Rules and Regulations to permit them to operate two-way radio stations in the Public Safety Radio Services on frequencies in the 482-488 MHz band (TV channel 16). The petition requesting the waiver is to provide additional TV channel sharing for use with existing land mobile stations (TV channels 14 and 15), presently operating throughout New York metropolitan area.

4. Unique circumstances forced the New York Public Safety Agencies to formulate a spectrum relief committee in order to express the desperate radio spectrum shortages within the New York metropolitan area. These same set of circumstances requires that we submit comments on the Commission's Advanced Television (ATV) proposals. The present land mobile radio operation of shared TV channels 14 and 15 throughout the New York metropolitan area is critical to the sworn public safety responsibilities of these agencies. The New York Public Safety Agencies are required by law to protect the lives and property of the citizens they serve. Both Congress and the Commission have long recognized the critical functions radio communications serve in the operations of public safety agencies.

5. In the comments that follow, it is intended to explain how the proposed ATV rules will harmfully affect critical communications in the New York metropolitan area as well as other major metropolitan areas throughout the United States. It is hoped that these comments will help to provide additional guidelines for the Commission's deliberation on this proposed rule making.

#### **Background**

6. The New York Metropolitan Area is the most populous center in the United States. At the core of that area is New York City, covering 321.8 square miles with a population of over 7 million people. Over 3.5 million people work in the City, and more than 25 million people visit the City each year.

7. The sheer size and density of the area's resident, working and visitor populations present unique challenges to local public safety agencies. For example, the New York City Police Department handled in excess of 4.2 million radio runs and the New York City Fire Department handled over 800,000 calls in 1991. The agencies must rely on modern radio communications systems to support their operations and fulfill their mandated responsibilities.

8. The unique needs and requirements of public safety agencies have been specifically recognized by Congress and



the Commission. The Communications Act of 1934, as amended, charges the Commission with the mandate of promoting safety of life and property through the use of wire and radio communications.<sup>2</sup>

9. Congress and the Commission have also recognized the difficulties faced by public safety agencies due to spectrum shortages in many areas. In recent years, governments in New York and other metropolitan areas have been unable to properly equip their public safety agencies with modern communications systems because of their inability to secure adequate radio frequency assignments. Previous FCC Dockets permitting shared usage of UHF TV channels has provided a measure of relief.

10. In 1984 public safety agencies in the Tri-State area of New York, New Jersey, and Connecticut formed an ad hoc committee to initially participate in Docket 84-1231. The public safety community argued that proposed 821-825/866-870 MHz frequencies should be made available for public safety use. This would help to provide some relief in the major urban areas. However, it was pointed out by the committee that the anticipated need for spectrum would not be fully satisfied by these eight megahertz. Although the Commission was generally responsive to the needs of the public safety community, the Report and Order in the Docket made available only six megahertz, rather than eight

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<sup>2</sup> 47 U.S.C. Section 151.

megahertz.

11. In July 1987, these same New York Metropolitan area public safety agencies filed joint reply comments to the previously filed Petition for Special Relief by TV broadcast organizations and companies. In the reply comments these agencies requested the Commission not to table any further action on General Docket 85-172. The reasons given in those reply comments not to table are even more compelling today.<sup>3</sup>

12. As required by the Commission, a National Public Safety Plan was written in 1987 and 55 FCC Regions were created to develop specific regional plans for using the six megahertz. In the New York Metropolitan area (FCC Region 8), the Regional Committee formulated its plan and was the first region in the country to have it accepted and approved by the Commission. As predicted the regional plan for Region 8 exhausted all the spectrum allocated by Dockets 84-1231 and 87-112.

13. It is against this background that we respectfully request that the Commission take into account, in any spectrum allocation the urgent needs of the land mobile radio services, especially the public safety radio services.

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<sup>3</sup> See Appendix A

In Support of ATV

14. The New York Public Safety Agencies and the County of Bergen, New Jersey wish to express their support for the prospects of Advanced Television (ATV) as proposed in Federal Communication 87-268<sup>4</sup>. The "ATV" proposal is proof that the commission is addressing the issues of Future Technology head on, with a serious concern for the larger business of efficient use of the spectrum.

15. Doubts have existed for a long time concerning the development of standards for the ATV system. The commission has shown it's resolve to the future by allowing Private Industry to respond to the Commission with the transmission standards. The selection of a transmission standard could once again bring the consumer electronics industry in the United States to a place of leadership. It is of no minor concern that this would have the effect of stimulating the job market in this sector of the manufacturing trade, and it's kindred economic benefits.

16. The Commission can also be lauded for opening the docket for serious public comment prior to the establishment of permanent station assignment tables. The principle of comment on the concept, prior to assignment, strengthens our belief that the Commission has the interests of not only the

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<sup>4</sup> MM Docket 87-268 Adopted July 16, 1992; Released August 14, 1992.

broadcast industry, but the complete consortium of users of this area of the spectrum.

17. We live in a time when new and competing technologies have had to struggle to obtain sufficient operating spectrum to meet the needs of their aligned users. However, Public Safety is one area where the needs are most urgent in view of the protection of life nature of the discipline. We must not lose sight of the future good of ATV and the relinquishment of excess assets. If the FCC plan is adopted, eventually vast amounts of VHF spectrum would be available for non-TV users, including land mobile. However, Public Safety's spectrum shortcomings are real today and require immediate focus and resolution.

18. We note the courage of Chairman Sikes, while Director of the NTIA, when he urged the Commission in March 1987 against taking actions, "today which would foreclose or make an HDTV system uneconomical as an over-the-air television broadcasting service tomorrow".<sup>5</sup> While this is not a popular opinion in the Land Mobile Arena, it clearly demonstrated the focus needed for the future. We must also note in his October 29, 1991 statement that there was potential availability of UHF-TV Spectrum for "new land mobile radio services"<sup>6</sup> which seemed to relate back to the

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<sup>5</sup> Jeffery Silva, "Excess HDTV channels may go for mobile," Radio Communications Report - RCR, November 18, 1991. Page 10.

<sup>6</sup> RCR, p.10.

hope for sharing tables by the Commission in 1987. It is our hope that during this Docket process, as Chairman, he will commemorate his statements on UHF-TV Land Mobile Sharing and keep the Public Safety interests at heart.

**Interference Between UHF TV And Land Mobile Stations**

19. There is on record the Commission recognizing the potential and the actual interference between television station 14 and land mobile stations operating on adjacent frequencies.<sup>7</sup> In fact the Commission has addressed this problem for over ten years.<sup>8</sup>

20. The solution in preventing TV/Land Mobile interference is not an easy one. As an example, rigidly codifying the spacing between these two types of services is not always satisfactory. The Commission in referring to this type of solution has stated, "Because of the wide variations we can expect in real installations, we conclude that it is impractical to specify any distance requirements."<sup>9</sup>

21. The Commission until recently solved this cross-service interference on a case-by-case basis and applying

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<sup>7</sup> See Notice of Proposed Rule Making, MM Docket No. 87-465, 2 FCC Rcd 7328 (1987) (Notice).

<sup>8</sup> See Report and Order, MM Docket No. 87-465, Paragraph 2, Released August 29, 1991 (Report).

<sup>9</sup> See Report, Paragraph 12.

the first-in-time policy.<sup>10</sup> Although this provided some relief, often it was extremely time consuming both for the stations involved and the FCC. Finally, the situation occurred where this policy did not work. A UHF TV station was authorized to operate on frequencies adjacent to existing land mobile stations; the result was harmful interference to the land mobile stations despite using previously successful methods to curtail the interference. The Commission found in its investigation "...that the interference was caused by three factors: (1) the operation of the affected land mobile stations on adjacent frequencies, (2) the close proximity of the transmitter of the UHF station and the receivers of the land mobile base stations and (3) the high power of the UHF operation relative to the low power of the land mobile operations." The Commission finally concluded that cross-band interference in this case "... could not be cured through use of the various technical solutions that had worked in similar cases involving channel 14 ..."<sup>11</sup>

22. The Commission further recognized this serious problem when it asked for "... comment on whether and to what extent the Commission should consider the potential for ATV development when granting construction permits for stations on these channels or in assigning land mobile

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<sup>10</sup> See Notice, Paragraph 4

<sup>11</sup> See Notice, Paragraphs 6 and 7.

operations on frequencies that are directly adjacent to these channels."<sup>12</sup>

23. The Commission has clearly made known its current policy when it stated, "We are incorporating into our rules a specific statement of the responsibility of all TV stations on these channels to protect adjacent spectrum land mobile operations from interference."<sup>13</sup> The actual Rule states, "TV broadcast stations operating on Channel 14 and Channel 69 must take special precautions to avoid interference to adjacent spectrum land mobile radio service facilities. Where a TV station is authorized and operating prior [emphasis added] to the authorization and operation of the land mobile facility, a Channel 14 station must attenuate its emissions within the frequency range 467 to 470 MHz ... if necessary to permit reasonable use of the adjacent frequencies by land mobile licensees."<sup>14</sup>

24. Based on the interference history of TV station 14 being adjacent to land mobile stations it is prudent to consider the likelihood for possible interference whenever a TV station is adjacent to any land mobile station. In the instant proceeding the Commission is respectfully urged, when developing the ATV Table of Allotments procedure, to take into account such history. For the protection and

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<sup>12</sup> See Notice, Footnote 16.

<sup>13</sup> See Report, Paragraph 2.

<sup>14</sup> CFR Part 73, §73.687(e)(3).

interests of both TV broadcasters and land mobile users any procedure that is used to produce the ATV Table should prohibit the assignment of any ATV station adjacent to existing land mobile operations.

#### **Existing Vacant Allotments**

25. The current list of NTSC channel allotments contains instances where the allotment has never been licensed. Some of these cases are for commercial stations and some are for non-commercial stations. In the 13 markets where Land Mobile Channel sharing is allowed today, it is likely that these vacant allotments are not necessary, or someone would have constructed facilities there long ago. These are also the markets in which there is a dire need for additional spectrum for Public Safety Land Mobile systems.

26. Therefore, NYPSA suggests that it is not in the public interest to allocate an additional ATV channel to vacant NTSC allotments in areas where Land Mobile TV Channel Sharing is allowed today. Vacant allotments in these areas could be simply converted to ATV allocations for the same location thus eliminating the need for one additional channel, or removed from the table entirely, freeing up the channel as a possible ATV assignment for some other broadcaster. The immediate needs of the Public Safety eligibles for improved and expanded communications far



outweighs the potential value of another TV station in these areas of the country.

27. As an example, consider the vacant NTSC allocation of Channel 66 in West Milford, NJ. NYPSA suggests that this vacant allotment remain on Channel 66 as an ATV allotment. If necessary to solve the goal of full accommodation of existing broadcasters, the vacant allocation of Channel 66 in West Milford, NJ could be eliminated entirely under the assumption that if there was a need for a station there, by now there would be one constructed. In either case there would be no need to allot a separate ATV channel to West Milford, NJ. The sample table, which NYPSA understands is only a draft, calls for Channel 23 in West Milford, NJ. Channel 23 could be moved into New York City in place of the Channel 16 choice in the sample table.

28. This plan seems to be consistent with the Commission policy as stated in the 2nd FNPRM at paragraphs 39 and 40, with the addition of the consideration of the needs of Public Safety eligibles as well as broadcasters. The needs of Public Safety eligibles for land mobile spectrum is a higher priority than either commercial or noncommercial broadcast TV in these spectrum starved markets.

Short Spacing

29. The Commission, in the 2nd FNPRM, proposes to reduce the co-channel and adjacent channel spacing between ATV stations and the center-city of land mobile operations to 155 miles for co-channel and 110 miles for adjacent channel cases. This reduction is based on a proposed 10db reduction of the power of the ATV station relative to the NTSC stations of today. While it is impossible to comment on this question definitively without knowledge of the specific characteristics of the ATV signal, it is our belief, based on the best engineering evaluation available to us, that the proposed distances are adequate.

30. While we believe that the spacings suggested in the 2nd FNPRM are adequate, we must object strongly to the fact that the channel allocation program used for the sample table shown in Appendix D of the 2nd FNprM ignored the proposed spacings for co-channel and adjacent channel spacing in several instances. In the specific case of New York, the table allocates Channel 16 for ATV. Adjacent Channel 15 is currently heavily used in the New York area for land mobile service. Allocating Channel 16 for ATV in the same area cannot be allowed. The result would be the channel 14/69 destructive interference situation all over again. We would expect that the broadcasters would also object to this allocation because, we would assume, the rules codified in CFR 73.687 for Channel 14 and 69 would

apply in this situation even though the channels are 16 vs. 15 rather than 14 vs. the 465-47 Mhz land mobile base receive band.

31. The Commission also requested comments on special accommodations which may be applied between ATV and land mobile service in the few situations where short-spacing is necessary. We believe that the specifics of these arrangements should be worked out at the local level between the broadcasters and the land mobile interests. However, beyond the obvious parameters of power, antenna height, coverage patterns (including downtilt), we suggest that it may not not be necessary in all cases for land mobile 1) to use the entire bandwidth of a TV channel, 2) to place base stations the full 50 miles from the city-center, or 3) to allow mobiles to roam 30 miles from their associated base station. We also believe that the ATV broadcasters should be willing to utilize down tilt antennas and directional antennas to minimize the impact on land mobile receivers. Combinations of these parameters can be used to tailor the spectrum usage to achieve an appropriate balance between ATV and land mobile interests.

**Reactivate Further Sharing UHF TV Proceeding**

32. In Docket No. 18261 the Commission mentioned that in five years the subject of sharing UHF TV with Land Mobile

would be evaluated as to the appropriateness of any further action.<sup>15</sup> Subsequently, several reports and petitions were received by the Commission favoring an extension of UHF TV sharing.<sup>16</sup> As a result, the Commission opened a new proceeding with a Notice of Proposed Rule Making.<sup>17</sup> In the section entitled CHANNELS AVAILABLE FOR LAND MOBILE the NPRM lists several UHF TV candidate channels for possible Land Mobile sharing. Among those included as candidates are channels in the TV channel band of 14 to 20. These candidates were chosen as to present no interference to television stations while providing much needed spectrum relief in major urban areas. The Commission was about to issue a ruling on this matter when TV broadcast interests intervened with a Petition for Special Relief.<sup>18</sup> This was granted by the Commission pending the development of ATV services. In granting this petition, the Commission said, "Accordingly, we will defer action on the further sharing

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<sup>15</sup> First Report and Order, Docket No. 18261, 23 FCC2d 325 (1970)

<sup>16</sup> Future Private Land Mobile Telecommunications Requirements, Final Report. Planning Staff, Private Radio Bureau, FCC, Washington, D.C., August 1983. See also Petitions for Rule Making filed on September 1, 1981, November 4, 1983, and October 29, 1984.

<sup>17</sup> Further Sharing of the UHF Television Band by the Land Mobile Radio Services, Gen. Docket No. 85-172, FCC 85-289, Released June 10, 1985, 50 FR 25587 (June 20, 1985).

<sup>18</sup> RM-3975 and RM-4829, filed February 13, 1987 by the Association of Maximum Service Telecasters, Inc. and 57 other broadcaster organizations and companies.

proposal in Gen. Docket No. 87-172 until such time as the Commission receives the initial report of the advisory committee and an appropriate period is permitted for public comment and for the Commission to consider this information. The comments filed in the ATV proceeding will be associated with and considered in the further sharing proceeding."<sup>19</sup> Since the petition was granted in 1987 the spectrum shortage in the major urban areas has intensified. This harmful consequence is especially true in the public safety radio services. Because of this, we urge the Commission to insure that in any ATV channel allocation procedure the demonstrated needs of land mobile be taken into account. Furthermore, the Commission is respectfully requested to resume action as swiftly as possible on General Dkt. No. 85-172.

### Conclusion

33. NYPSA supports the Commission's efforts in encouraging the development of ATV services. The use of unused UHF TV channels for ATV is appropriate and will in the future provide relief for other spectrum users. However, the Commission must take proper means to protect current land mobile operations. The Commission must also

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<sup>19</sup> Order, Gen. Docket No. 85-172, FCC 87-327, Released October 21, 1987.

keep in mind the spectrum shortage in many urban areas. While allocating channels for the new ATV service, the Commission must not lose sight of other services requiring frequencies. In particular, the needs of spectrum impacted public safety agencies must be given the highest priority. The United States Congress has recognized this special need of the public safety community by passing legislation directing the FCC to give public safety preference in all spectrum allocations. Therefore, it is essential that the Commission take this mandate into account when formulating the procedure for ATV channel assignments.

Respectfully submitted,

THE NEW YORK PUBLIC SAFETY AGENCIES

By: 

Vincent R. Stile  
Project Director, NYPSA  
Suffolk County Police Dept.  
30 Yaphank Avenue  
Yaphank, NY 11980

Dated: November 10, 1992

# APPENDIX A

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of

Further Sharing of the UHF	) Gen. Docket	85-172
Television Band by Private Land	) RM 3975	
Mobile Radio Services.	) RM 4829	

NOV 12 1992  
FCC MAIL ROOM

REPLY COMMENTS OF THE  
NEW YORK METROPOLITAN AREA COMMITTEE  
FOR PUBLIC SAFETY SPECTRUM RELIEF

The New York Metropolitan Area Committee for Public Safety Spectrum Relief (hereinafter "The Committee") is pleased to submit the following reply comments in this processing. Our Committee consists of governmental organizations in the New York metropolitan area which have responsibilities for public safety. Its members are representatives of the New Jersey State Police, New Jersey Transit Bus Operations, Suffolk County Police Department, New York State Police, Connecticut Bureau of Statewide Emergency Telecommunications, Connecticut State Police, Connecticut Department of Transportation, Town of Oyster Bay, Gloucester County Communications Center, and The Port Authority of New York and New Jersey.

Our Committee was formed in 1984 because of a common concern that in the Tri-State area of New York, New Jersey and Connecticut there was a shortage of channels available for use by our public

safety agencies. Subsequently, we learned that our problem was not unique, that in fact in a number of major urban areas governmental entities and others responsible for the safety of life and property were also faced with an inadequate supply of frequencies.

Our initial participation was in Docket No. 84-1231 wherein the public safety community argued that 821-825/866-870 MHz should be made available for public safety use. These eight megahertz are regarded as particularly valuable because they are contiguous with the 806-821/851-866 MHz band which is already being utilized, inter alia, for public safety operations. Thus, this spectrum would allow users to expand from one band to the other compatibly and would also allow departments and agencies which must interface with each other to do so within these adjacent bands. In our area, for example, all the channels in the 806-821 MHz band available to public safety have been assigned. If one of the entities licensed in this band needs an additional channel, 821-825 MHz would provide a compatible answer. Similarly, if one of our agencies requires mutual aid or even just a continuous interface with an 806-821 MHz licensee to carry out its functions, compatible, contiguous spectrum is mandatory.

The general thrust of the public safety comments was that this additional 8 MHz would satisfy requirements in most areas of the country for the foreseeable future. However, in some of the more



populous urban areas, certainly the New York Metropolitan area, it was pointed out that the need for spectrum would not be fully satisfied by these 8 MHz.

Although the Commission was generally responsive to the needs of the Public Safety community, its Report and Order made available only 6 MHz, rather than 8 MHz, thereby increasing the anticipated shortfall in some major urban areas. Further, the process of developing an appropriate National Plan -- a necessity in the eyes of the Commission before 821-824/866-869 MHz would be licensed and, hence used -- has not been completed. As a result no public safety relief has been as yet forthcoming from this band.

It is against this background that attention has been directed to Docket No. 85-172 which would permit the private land mobile services to share unused UHF-TV channels in eight, but only eight, urban areas, including New York. As one of the private land mobile services, Public Safety expects to have access to a portion of these channels, if and when any of them are made available.

While it is unfortunate that we have not yet been able to access the 821-824/866-869 MHz band, it is apparent that in the New York area these channels by themselves will not meet the identifiable demand that exists. The necessity of finalizing budgetary cycles